

# Local Health System Integration Act, 2006

## S.O. 2006, CHAPTER 4

**Consolidation Period:** From January 1, 2011 to the [e-Laws currency date](#).

Last amendment: 2010, c. 25, s. 26.

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## Preamble

The people of Ontario and their government,

- (a) confirm their enduring commitment to the principles of public administration, comprehensiveness, universality, portability, accessibility and accountability as provided in the *Canada Health Act* (Canada) and the *Commitment to the Future of Medicare Act, 2004*;
- (b) are committed to the promotion of the delivery of public health services by not-for-profit organizations;
- (c) acknowledge that a community's health needs and priorities are best developed by the community, health care providers and the people they serve;
- (d) are establishing local health integration networks to achieve an integrated health system and enable local communities to make decisions about their local health systems;
- (e) recognize the need for communities, health service providers, local health integration networks and the government to work together to reduce duplication and better co-ordinate health service delivery to make it easier for people to access health care;
- (f) believe that the health system should be guided by a commitment to equity and respect for diversity in communities in serving the people of Ontario and respect the requirements of the *French Language Services Act* in serving Ontario's French-speaking community;
- (g) recognize the role of First Nations and Aboriginal peoples in the planning and delivery of health services in their communities;
- (h) believe in public accountability and transparency to demonstrate that the health system is governed and managed in a way that reflects the public interest and that promotes continuous quality improvement and efficient delivery of high quality health services to all Ontarians;
- (i) confirm that access to health services will not be limited to the geographic area of the local health integration network in which an Ontarian lives; and
- (j) envision an integrated health system that delivers the health services that people need, now and in the future.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## PART I INTERPRETATION

### Purpose of the Act

1. The purpose of this Act is to provide for an integrated health system to improve the health of Ontarians through better access to high quality health services, co-ordinated health care in local health systems and across the province and effective and efficient management of the health system at the local level by local health integration networks. 2006, c. 4, s. 1.

### Definitions

2. (1) In this Act,

“accountability agreement” means the accountability agreement in respect of the local health system that the Minister and a local health integration network are required to enter into under subsection 18 (1); (“entente de responsabilisation”)

“geographic area”, in relation to a local health integration network, means,

- (a) if the network is continued under subsection 3 (1) and no geographic area is prescribed for the network, the geographic area for the network that is set out on the local health integration network maps numbers 1 to 14 dated August 2005 that are available for inspection by the public at the offices of the Ministry and published on the Ministry's website on the Internet, and
- (b) if clause (a) does not apply to the network, the geographic area that is prescribed for the network; (“zone géographique”)

“health service provider” has the meaning set out in subsection (2); (“fournisseur de services de santé”)

“integrate” includes,

- (a) to co-ordinate services and interactions between different persons and entities,
- (b) to partner with another person or entity in providing services or in operating,
- (c) to transfer, merge or amalgamate services, operations, persons or entities,
- (d) to start or cease providing services,
- (e) to cease to operate or to dissolve or wind up the operations of a person or entity,

and “integration” has a similar meaning; (“intégrer”, “intégration”)

“integrated health service plan” means the plan that a local health integration network develops under section 15 for the local health system; (“plan de services de santé intégrés”)

“integration decision” means a decision issued under subsection 25 (2); (“décision d’intégration”)

“local health integration network” means a corporation that is continued under subsection 3 (1) or incorporated by regulation under subsection 3 (3); (“réseau local d’intégration des services de santé”)

“local health system” means the part of the health system that provides services in the geographic area of a local health integration network, whether or not the services are provided to people who reside in the geographic area; (“système de santé local”)

“Minister” means the Minister of Health and Long-Term Care or such other member of the Executive Council to whom the administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

“Ministry” means the Ministry of the Minister; (“ministère”)

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“provincial strategic plan” means the plan that the Minister develops under section 14 for the health system; (“plan stratégique provincial”)

“service accountability agreement” means the service accountability agreement that a local health integration network and a health service provider are required to enter into under subsection 20 (1). (“entente de responsabilisation en matière de services”) 2006, c. 4, s. 2 (1).

#### **Health service provider**

(2) In this Act,

“health service provider”, subject to subsection (3), means the following persons and entities:

1. A person or entity that operates a hospital within the meaning of the *Public Hospitals Act* or a private hospital within the meaning of the *Private Hospitals Act*.
2. A person or entity that operates a psychiatric facility within the meaning of the *Mental Health Act* except if the facility is,
  - i. REPEALED: 2009, c. 33, Sched. 18, s. 14.
  - ii. a correctional institution operated or maintained by a member of the Executive Council, other than the Minister, or
  - iii. a prison or penitentiary operated or maintained by the Government of Canada.
3. The University of Ottawa Heart Institute/Institut de cardiologie de l’Université d’Ottawa.
4. A licensee within the meaning of the *Long-Term Care Homes Act, 2007*, other than a municipality or board of management described in paragraph 5.
5. A municipality or board of management that maintains a long-term care home under Part VIII of the *Long-Term Care Homes Act, 2007*.
6. REPEALED: 2007, c. 8, s. 214 (1).
7. A community care access corporation within the meaning of the *Community Care Access Corporations Act, 2001*.
8. A person or entity approved under the *Home Care and Community Services Act, 1994* to provide services.
9. A not for profit corporation without share capital incorporated under Part III of the *Corporations Act* that operates a community health centre.

**Note:** On a day to be named by proclamation of the Lieutenant Governor, paragraph 9 is amended by striking out “Part III of the *Corporations Act*” and substituting “the *Not-for-Profit Corporations Act, 2010* or a predecessor of that Act”. See: 2010, c. 15, ss. 231 (1), 249.

10. A not for profit entity that provides community mental health and addiction services.
11. Any other person or entity or class of persons or entities that is prescribed. 2006, c. 4, s. 2 (2); 2007, c. 8, s. 214 (1, 2); 2009, c. 33, Sched. 18, s. 14.

#### **Same, exclusions**

(3) The following are not health service providers:

1. Any of the following individuals when they provide, or offer to provide, health services to individuals within the scope of practice of their profession:
  - i. A member of the College of Chiropractors of Ontario in the podiatrist class under the *Chiroprody Act, 1991*.

- ii. A member of the Royal College of Dental Surgeons of Ontario under the *Dentistry Act, 1991*.
  - iii. A member of the College of Physicians and Surgeons of Ontario under the *Medicine Act, 1991*.
  - iv. A member of the College of Optometrists of Ontario under the *Optometry Act, 1991*.
2. A health profession corporation that holds a certificate of authorization issued by the College of Chiropractors of Ontario, the Royal College of Dental Surgeons of Ontario, the College of Physicians and Surgeons of Ontario or the College of Optometrists of Ontario under the *Regulated Health Professions Act, 1991* or under Schedule 2 to that Act. 2006, c. 4, s. 2 (3).

## PART II

### LOCAL HEALTH INTEGRATION NETWORKS

#### Continuation and establishment

3. (1) Each corporation that was incorporated under the *Corporations Act* under the name in English set out in Column 1 of the following Table and the name in French set out opposite in Column 2 on the date set out opposite in Column 3 is continued as a corporation without share capital under the name in English set out opposite in Column 4 and the name in French set out opposite in Column 5 and is a local health integration network.

TABLE/TABLEAU  
CORPORATIONS CONTINUED AS LOCAL HEALTH INTEGRATION NETWORKS/PERSONNES MORALES  
PROROGÉES EN TANT QUE RÉSEAUX LOCAUX D'INTÉGRATION DES SERVICES DE SANTÉ

| Item Point | Column/Colonne 1<br>Name of corporation in English<br>Dénomination sociale anglaise de la personne morale | Column/Colonne 2<br>Name of corporation in French<br>Dénomination sociale française de la personne morale | Column/Colonne 3<br>Date of incorporation<br>Date de constitution | Column/Colonne 4<br>Name of continued corporation in English<br>Dénomination sociale anglaise de la personne morale prorogée | Column/Colonne 5<br>Name of continued corporation in French<br>Dénomination sociale française de la personne morale prorogée |
|------------|---|---|---|--|--|
| 1.         | Central Health Integration Network  | Réseau d'intégration des services de santé du Centre  | June 2, 2005<br>2 juin 2005                                       | Central Local Health Integration Network   | Réseau local d'intégration des services de santé du Centre   |
| 2.         | Central East Health Integration Network   | Réseau d'intégration des services de santé du Centre-Est  | June 2, 2005<br>2 juin 2005                                       | Central East Local Health Integration Network  | Réseau local d'intégration des services de santé du Centre-Est   |
| 3.         | Central West Health Integration Network   | Réseau d'intégration des services de santé du Centre-Ouest  | June 9, 2005<br>9 juin 2005                                       | Central West Local Health Integration Network  | Réseau local d'intégration des services de santé du Centre-Ouest   |
| 4.         | Health Integration Network of Champlain   | Réseau d'intégration des services de santé de Champlain   | June 2, 2005<br>2 juin 2005                                       | Champlain Local Health Integration Network   | Réseau local d'intégration des services de santé de Champlain  |
| 5.         | Health Integration Network of Erie St. Clair  | Réseau d'intégration des services de santé d'Érié St-Clair  | June 2, 2005<br>2 juin 2005                                       | Erie St. Clair Local Health Integration Network  | Réseau local d'intégration des services de santé d'Érié St-Clair   |
| 6.         | Health Integration Network of Hamilton Niagara Haldimand Brant  | Réseau d'intégration des services de santé de Hamilton Niagara Haldimand Brant                            | June 2, 2005<br>2 juin 2005                                       | Hamilton Niagara Haldimand Brant Local Health Integration Network  | Réseau local d'intégration des services de santé de Hamilton Niagara Haldimand Brant   |
| 7.         | Health Integration Network of Mississauga Halton  | Réseau d'intégration des services de santé de Mississauga Halton  | June 9, 2005<br>9 juin 2005                                       | Mississauga Halton Local Health Integration Network  | Réseau local d'intégration des services de santé de Mississauga Halton   |
| 8.         | North East Health Integration Network   | Réseau d'intégration des services de santé du Nord-Est  | June 9, 2005<br>9 juin 2005                                       | North East Local Health Integration Network  | Réseau local d'intégration des services de santé du Nord-Est   |
| 9.         | Health Integration Network of North Simcoe Muskoka  | Réseau d'intégration des services de santé de Simcoe Nord Muskoka   | June 9, 2005<br>9 juin 2005                                       | North Simcoe Muskoka Local Health Integration Network  | Réseau local d'intégration des services de santé de Simcoe Nord Muskoka  |
| 10.        | Local Health Integration Network (North West Ontario)   | Réseau d'intégration des services de santé (Nord-Ouest de   | June 16, 2005<br>16 juin 2005                                     | North West Local Health Integration Network  | Réseau local d'intégration des services de santé du  |

|            | Column/Colonne 1  | Column/Colonne 2  | Column/Colonne 3                              | Column/Colonne 4   | Column/Colonne 5   |
|------------|---|---|---|--|--|
| Item Point | Name of corporation in English<br>Dénomination sociale anglaise de la personne morale | Name of corporation in French<br>Dénomination sociale française de la personne morale | Date of incorporation<br>Date de constitution | Name of continued corporation in English<br>Dénomination sociale anglaise de la personne morale prorogée | Name of continued corporation in French<br>Dénomination sociale française de la personne morale prorogée |
|            |   | l'Ontario)  |   |  | Nord-Ouest   |
| 11.        | South East Health Integration Network   | Réseau d'intégration des services de santé du Sud-Est                                 | June 9, 2005<br>9 juin 2005                   | South East Local Health Integration Network  | Réseau local d'intégration des services de santé du Sud-Est  |
| 12.        | South West Health Integration Network   | Réseau d'intégration des services de santé du Sud-Ouest                               | June 2, 2005<br>2 juin 2005                   | South West Local Health Integration Network  | Réseau local d'intégration des services de santé du Sud-Ouest  |
| 13.        | Health Integration Network of Toronto Central   | Réseau d'intégration des services de santé du Centre-Toronto                          | June 2, 2005<br>2 juin 2005                   | Toronto Central Local Health Integration Network   | Réseau local d'intégration des services de santé du Centre-Toronto                                       |
| 14.        | Health Integration Network of Waterloo Wellington                                     | Réseau d'intégration des services de santé de Waterloo Wellington                     | June 2, 2005<br>2 juin 2005                   | Waterloo Wellington Local Health Integration Network   | Réseau local d'intégration des services de santé de Waterloo Wellington                                  |

2006, c. 4, s. 3 (1).

#### Extinguishment of letters patent

(2) The letters patent issued to constitute a corporation continued under subsection (1) are extinguished. 2006, c. 4, s. 3 (2).

#### Establishment

(3) The Lieutenant Governor in Council may by regulation incorporate one or more corporations as corporations without share capital and a corporation incorporated under this subsection is a local health integration network. 2006, c. 4, s. 3 (3).

#### Regulations

- (4) The Lieutenant Governor in Council may, by regulation,
  - (a) amalgamate or dissolve one or more local health integration networks;
  - (b) divide a local health integration network into two or more local health integration networks;
  - (c) change the name of a local health integration network;
  - (d) do all things necessary to accomplish the amalgamation, dissolution or division of one or more local health integration networks made by a regulation under clause (a) or (b), including,
    - (i) dealing with the assets and the liabilities of any of the networks in the manner specified in the regulation, including by,
      - (A) liquidating or selling the assets and paying the proceeds into the Consolidated Revenue Fund, or
      - (B) transferring the assets or liabilities to the Crown, an agency of the Crown or to another network, or
    - (ii) transferring employees to the Crown, an agency of the Crown or to another network. 2006, c. 4, s. 3 (4).

#### Crown agency and status

4. (1) A local health integration network is an agent of the Crown and may exercise its powers only as an agent of the Crown. 2006, c. 4, s. 4 (1).

#### Other Acts

(2) The *Corporations Act* and the *Corporations Information Act* do not apply to a local health integration network, except as prescribed. 2006, c. 4, s. 4 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is repealed and the following substituted:**

#### Non-application of *Corporations Information Act*

(2) The *Corporations Information Act* does not apply to a local health integration network, except as prescribed. 2010, c. 15, s. 231 (2).

See: 2010, c. 15, ss. 231 (2), 249.

#### **Same**

(3) The following Acts do not apply to a local health integration network, the members of its board of directors or to its officers, employees or agents:

1. REPEALED: 2009, c. 33, Sched. 2, s. 45.
2. *Charities Accounting Act*. 2006, c. 4, s. 4 (3); 2009, c. 33, Sched. 2, s. 45.

#### **No charitable property**

(4) The property of a local health integration network is not charitable property. 2006, c. 4, s. 4 (4).

#### **Objects**

**5.** The objects of a local health integration network are to plan, fund and integrate the local health system to achieve the purpose of this Act, including,

- (a) to promote the integration of the local health system to provide appropriate, co-ordinated, effective and efficient health services;
- (b) to identify and plan for the health service needs of the local health system in accordance with provincial plans and priorities and to make recommendations to the Minister about that system, including capital funding needs for it;
- (c) to engage the community of persons and entities involved with the local health system in planning and setting priorities for that system, including establishing formal channels for community input and consultation;
- (d) to ensure that there are appropriate processes within the local health system to respond to concerns that people raise about the services that they receive;
- (e) to evaluate, monitor and report on and be accountable to the Minister for the performance of the local health system and its health services, including access to services and the utilization, co-ordination, integration and cost-effectiveness of services;
- (f) to participate and co-operate in the development by the Minister of the provincial strategic plan and in the development and implementation of provincial planning, system management and provincial health care priorities, programs and services;
- (g) to develop strategies and to co-operate with health service providers, including academic health science centres, other local health integration networks, providers of provincial services and others to improve the integration of the provincial and local health systems and the co-ordination of health services;
- (h) to undertake and participate in joint strategies with other local health integration networks to improve patient care and access to high quality health services and to enhance continuity of health care across local health systems and across the province;
- (i) to disseminate information on best practices and to promote knowledge transfer among local health integration networks and health service providers;
- (j) to bring economic efficiencies to the delivery of health services and to make the health system more sustainable;
- (k) to allocate and provide funding to health service providers, in accordance with provincial priorities, so that they can provide health services and equipment;
- (l) to enter into agreements to establish performance standards and to ensure the achievement of performance standards by health service providers that receive funding from the network;
- (m) to ensure the effective and efficient management of the human, material and financial resources of the network and to account to the Minister for the use of the resources; and
- (n) to carry out the other objects that the Minister specifies by regulation made under this Act. 2006, c. 4, s. 5.

#### **Powers**

**6.** (1) Except as limited by this Act, a local health integration network has the capacity, rights and powers of a natural person for carrying out its objects. 2006, c. 4, s. 6 (1).

#### **Use of revenue**

(2) A local health integration network shall carry out its operations without the purpose of gain and shall not use its revenue, including all money or assets that it receives by grant, contribution or otherwise, for any purpose other than to further its objects. 2006, c. 4, s. 6 (2).

#### **Cabinet approval**

(3) A local health integration network shall not exercise the following powers without the approval of the Lieutenant Governor in Council:

1. Acquiring, disposing, leasing, mortgaging, charging, hypothecating or otherwise transferring or encumbering any interest in real property, except for leasing office space that is reasonably necessary for the purposes of the network.
2. Borrowing or lending money.
3. Investing its money.
4. Pledging, charging or encumbering any of its personal property.
5. Creating a subsidiary.
6. Indemnifying any person from liability or guaranteeing the payment of money or the performance of services by another person, except if the indemnification is given under subsection 8 (6).
7. Providing, directly through its directors, officers, employees or agents, any health services to people. 2006, c. 4, s. 6 (3).

#### **Approval of two Ministers**

(4) A local health integration network shall not exercise the following powers without the approval of both the Minister and the Minister of Finance:

1. Receiving money or assets from any person or entity except the Crown in right of Ontario.
2. Acting in association with a person or entity that conducts any fundraising activities or programs, directly or indirectly, for the network. 2006, c. 4, s. 6 (4).

#### **Approval of Minister**

(5) A local health integration network shall not exercise the following powers without the approval of the Minister:

1. Making charitable donations except as authorized by this Act.
2. Applying for or obtaining registration as a registered charity under the *Income Tax Act* (Canada).
3. Entering into an agreement with any person, entity or government for the provision of services outside Ontario.
4. Entering into an agreement with any government or government agency outside Ontario, including the Government of Canada or the government of a province or territory of Canada. 2006, c. 4, s. 6 (5).

#### **No political donations**

(6) A local health integration network shall not make any political donations. 2006, c. 4, s. 6 (6).

#### **Board of directors**

7. (1) Subject to subsection (10), each local health integration network shall consist of no more than nine members appointed by the Lieutenant Governor in Council who shall form the board of directors of the network. 2006, c. 4, s. 7 (1).

#### **Term**

(2) Subject to subsections (3) and (4), the members of the board of directors of a local health integration network shall hold office for a term of up to three years at the pleasure of the Lieutenant Governor in Council and may be reappointed for one further term. 2006, c. 4, s. 7 (2).

#### **Termination**

(3) A member ceases to be a member of the board of directors of a local health integration network if, before the term of the member expires,

- (a) the Lieutenant Governor in Council revokes the member's appointment as a member of the network; or
- (b) the member dies, resigns as a member of the board of directors or becomes a bankrupt. 2006, c. 4, s. 7 (3).

#### **Successor's term**

(4) If a person ceases to be a member of the board of directors before the term of the member expires, the first term of the person's successor shall be for the remainder of the first person's term or 13 months, whichever is the longer. 2006, c. 4, s. 7 (4).

#### **Remuneration**

(5) The members of the board of directors shall receive the remuneration and reimbursement for reasonable expenses that the Lieutenant Governor in Council determines. 2006, c. 4, s. 7 (5).

#### **Chair and vice-chair**

(6) Subject to subsection (10), the Lieutenant Governor in Council shall designate a chair and at least one vice-chair from among the members of the board of directors. 2006, c. 4, s. 7 (6).

#### **Chair's role**

(7) The chair shall preside over the meetings of the board of directors. 2006, c. 4, s. 7 (7).

#### **Vice-chair**

(8) If the chair is absent or otherwise unable to act or if the office is vacant, a vice-chair has all the powers and shall perform the duties of the chair. 2006, c. 4, s. 7 (8).

#### **Absence of chair and vice-chairs**

(9) In the absence of the chair and the vice-chairs, a director that the board of directors designates shall act as the chair. 2006, c. 4, s. 7 (9).

#### **Transition**

(10) A director, chair or vice-chair of a corporation continued under subsection 3 (1) as a local health integration network who holds office on the day that this section comes into force shall be deemed to be a first director, chair or vice-chair of the network appointed under this section and shall hold office until the Lieutenant Governor in Council appoints or designates a successor in accordance with this section. 2006, c. 4, s. 7 (10).

#### **Powers and duties of board**

**8.** (1) The affairs of each local health integration network are under the management and control of its board of directors. 2006, c. 4, s. 8 (1).

#### **By-laws**

(2) Subject to subsections (3) and (4), a board of directors may pass by-laws and resolutions for conducting and managing the affairs of the local health integration network, including establishing committees. 2006, c. 4, s. 8 (2).

#### **Minister's approval**

(3) The Minister may require the board of directors to submit a proposed by-law to the Minister for approval before making the by-law concerned and if so, the board shall not make the by-law concerned until the Minister approves it. 2006, c. 4, s. 8 (3).

#### **Same, after making**

- (4) The Minister may require the board of directors to submit a by-law to the Minister for approval and if so,
- (a) the by-law concerned ceases to be effective from the time that the Minister imposes the requirement until the Minister approves the by-law;
  - (b) anything that the board has done in compliance with the by-law concerned before the Minister imposes the requirement is valid; and
  - (c) the board may do anything that, before the Minister imposes the requirement, it has agreed to do. 2006, c. 4, s. 8 (4).

#### **Committees**

- (5) The board of directors of a local health integration network shall,
- (a) establish, by by-law, the committees of the board that the Minister, by regulation made under this Act, specifies;
  - (b) appoint as members of the committees the persons who meet the qualifications, if any, that the Minister specifies in the regulation; and
  - (c) ensure that the committees operate in accordance with the other requirements, if any, that the Minister specifies in the regulation. 2006, c. 4, s. 8 (5).

#### **Duty of care and indemnification**

(6) Subject to subsection (7), subsection 134 (1) and section 136 of the *Business Corporations Act* apply with necessary modifications to each local health integration network, its board of directors and its officers. 2006, c. 4, s. 8 (6).

#### **Approval of indemnity**

(7) A local health integration network shall not give an indemnity under section 136 of the *Business Corporations Act* to any person unless the indemnity has been approved in accordance with section 28 of the *Financial Administration Act*. 2006, c. 4, s. 8 (7).

#### **Conflict of interest**

(8) The board of directors of a local health integration network shall develop, in consultation with the Minister, conflict of interest policies for the members and employees of the network. 2006, c. 4, s. 8 (8).

#### **Meetings**

**9.** (1) The board of directors of a local health integration network shall meet regularly throughout the year and in any event shall hold at least four meetings in each calendar year. 2006, c. 4, s. 9 (1).

#### **Quorum**

- (2) A majority of the directors constitutes a quorum for the conduct of business of the board. 2006, c. 4, s. 9 (2).



## **Notice**

(3) A local health integration network shall give reasonable notice to the public of the meetings of its board of directors and its committees. 2006, c. 4, s. 9 (3).

## **Public meetings**

(4) All meetings of the board of directors of a local health integration network and its committees shall be open to the public. 2006, c. 4, s. 9 (4).

## **Exceptions**

- (5) Despite subsection (4), a local health integration network may exclude the public from any part of a meeting if,
- (a) financial, personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public;
  - (b) matters of public security will be discussed;
  - (c) the security of the members or property of the network will be discussed;
  - (d) personal health information, as defined in section 4 of the *Personal Health Information Protection Act, 2004*, will be discussed;
  - (e) a person involved in a civil or criminal proceeding may be prejudiced;
  - (f) the safety of a person may be jeopardized;
  - (g) personnel matters involving an identifiable individual, including an employee of the network, will be discussed;
  - (h) negotiations or anticipated negotiations between the network and a person, bargaining agent or party to a proceeding or an anticipated proceeding relating to labour relations or a person's employment by the network will be discussed;
  - (i) litigation or contemplated litigation affecting the network will be discussed, or any legal advice provided to the network will be discussed, or any other matter subject to solicitor-client privilege will be discussed;
  - (j) matters prescribed for the purposes of this clause will be discussed; or
  - (k) the network will deliberate whether to exclude the public from a meeting, and the deliberation will consider whether one or more of clauses (a) through (j) are applicable to the meeting or part of the meeting. 2006, c. 4, s. 9 (5).

## **Motion stating reasons**

(6) A local health integration network shall not exclude the public from a meeting before a vote is held on a motion to exclude the public, which motion must clearly state the nature of the matter to be considered at the closed meeting and the general reasons why the public is being excluded. 2006, c. 4, s. 9 (6).

## **Taking of vote**

(7) The meeting shall not be closed to the public during the taking of the vote on the motion under subsection (6). 2006, c. 4, s. 9 (7).

## **Chief executive officer**

**10.** (1) Each local health integration network shall appoint and employ a chief executive officer. 2006, c. 4, s. 10 (1).

## **Restriction**

(2) The chief executive officer of a local health integration network shall not be a member of the board of directors of any local health integration network. 2006, c. 35, Sched. C, s. 63 (1).

## **Role**

(3) The chief executive officer of a local health integration network is responsible for the management and administration of the affairs of the network, subject to the supervision and direction of its board of directors. 2006, c. 4, s. 10 (3).

## **Remuneration**

(4) The Minister may fix ranges for the salary or other remuneration and benefits of a chief executive officer and each local health integration network shall provide a salary or other remuneration and benefits to its chief executive officer within the ranges, if any, that the Minister fixes. 2006, c. 4, s. 10 (4).

## **Other employees**

**11.** (1) A local health integration network may employ the employees, other than a chief executive officer, that the network considers necessary for the proper conduct of the business of the network. 2006, c. 4, s. 11 (1).

(2) REPEALED: 2006, c. 35, Sched. C, s. 63 (2).

#### **Audit**

**12.** (1) The board of directors of a local health integration network shall appoint an auditor licensed under the *Public Accounting Act, 2004* to audit the accounts and financial transactions of the network annually. 2006, c. 4, s. 12 (1).

#### **Other audits**

- (2) In addition to the requirement for an annual audit,
- (a) the Minister may, at any time, review or audit any aspect of the operations of a local health integration network; and
  - (b) the Auditor General may, at any time, audit any aspect of the operations of a local health integration network. 2006, c. 4, s. 12 (2); 2010, c. 25, s. 26.

#### **Reports**

**13.** (1) Each local health integration network shall submit to the Minister an annual report, within the time period that the Minister specifies, on its affairs and operations during its immediately preceding fiscal year. 2006, c. 4, s. 13 (1).

#### **Fiscal year**

(2) The fiscal year of a local health integration network commences on April 1 in each year and ends on March 31 of the following year. 2006, c. 4, s. 13 (2).

#### **Contents**

- (3) The annual report shall include,
- (a) audited financial statements for the fiscal year of the local health integration network to which the report relates; and
  - (b) data relating specifically to Aboriginal health issues addressed by the local health integration network. 2006, c. 4, s. 13 (3).

#### **Form**

(4) The annual report shall be signed by the chair and one other member of the board of directors of the local health integration network and shall be in the form that the Minister specifies. 2006, c. 4, s. 13 (4).

#### **Tabling**

- (5) The Minister shall,
- (a) submit the annual report to the Lieutenant Governor in Council;
  - (b) lay the report before the Assembly if it is in session; and
  - (c) deposit the report with the Clerk of the Assembly if the Assembly is not in session. 2006, c. 4, s. 13 (5).

#### **Reports to Ontario Health Quality Council**

(6) Each local health integration network shall provide the Ontario Health Quality Council with the information about the local health system that the Council requests. 2006, c. 4, s. 13 (6).

### **PART III PLANNING AND COMMUNITY ENGAGEMENT**

#### **Provincial strategic plan**

**14.** (1) The Minister shall develop a provincial strategic plan for the health system that includes a vision, priorities and strategic directions for the health system and make copies of it available to the public at the offices of the Ministry. 2006, c. 4, s. 14 (1).

#### **Councils**

- (2) The Minister shall establish the following councils:
- 1. An Aboriginal and First Nations health council to advise the Minister about health and service delivery issues related to Aboriginal and First Nations peoples and priorities and strategies for the provincial strategic plan related to those peoples.
  - 2. A French language health services advisory council to advise the Minister about health and service delivery issues related to francophone communities and priorities and strategies for the provincial strategic plan related to those communities. 2006, c. 4, s. 14 (2).

#### **Members**

(3) The Minister shall appoint the members of each of the councils established under subsection (2) who shall be representatives of the organizations that are prescribed. 2006, c. 4, s. 14 (3).

#### **Consultation**

(4) In developing priorities and strategic directions for the health system and the local health systems in the provincial strategic plan, the Minister shall seek the advice of province-wide health planning organizations that are mandated by the Government of Ontario. 2006, c. 4, s. 14 (4).

#### **Integrated health service plan**

**15.** (1) Subject to subsection 16 (1), each local health integration network shall, within the time and in the form specified by the Minister, develop an integrated health service plan for the local health system and make copies of it available to the public at the network's offices. 2006, c. 4, s. 15 (1).

#### **Contents**

(2) The integrated health service plan shall include a vision, priorities and strategic directions for the local health system and shall set out strategies to integrate the local health system in order to achieve the purpose of this Act. 2006, c. 4, s. 15 (2).

#### **Restrictions**

(3) The integrated health service plan shall be consistent with a provincial strategic plan, the funding that the network receives under section 17 and the requirements, if any, that the regulations made under this Act prescribe. 2006, c. 4, s. 15 (3).

#### **Community engagement**

**16.** (1) A local health integration network shall engage the community of diverse persons and entities involved with the local health system about that system on an ongoing basis, including about the integrated health service plan and while setting priorities. 2006, c. 4, s. 16 (1).

#### **Definition**

(2) In this section,

“community” includes, in respect of a local health integration network that engages the community,

- (a) patients and other individuals in the geographic area of the network,
- (b) health service providers and any other person or entity that provides services in or for the local health system, and
- (c) employees involved in the local health system. 2006, c. 4, s. 16 (2).

#### **Methods of engagement**

(3) The methods for carrying out community engagement under subsection (1) may include holding community meetings or focus group meetings or establishing advisory committees. 2006, c. 4, s. 16 (3).

#### **Duties**

(4) In carrying out community engagement under subsection (1), the local health integration network shall engage,

- (a) the Aboriginal and First Nations health planning entity for the geographic area of the network that is prescribed; and
- (b) the French language health planning entity for the geographic area of the network that is prescribed. 2006, c. 4, s. 16 (4).

#### **Health professionals advisory committee**

(5) Each local health integration network shall establish a health professionals advisory committee consisting of the persons that the network appoints from among members of those regulated health professions that the network determines or that are prescribed. 2006, c. 4, s. 16 (5).

#### **Engagement by health service providers**

(6) Each health service provider shall engage the community of diverse persons and entities in the area where it provides health services when developing plans and setting priorities for the delivery of health services. 2006, c. 4, s. 16 (6).

### **PART IV FUNDING AND ACCOUNTABILITY**

#### **Funding of networks**

**17.** (1) The Minister may provide funding to a local health integration network on the terms and conditions that the Minister considers appropriate. 2006, c. 4, s. 17 (1).

#### **Savings by a network**

(2) When determining the funding to be provided to a local health integration network under subsection (1) for a fiscal year, the Minister shall consider whether to adjust the funding to take into account a portion of any savings from efficiencies

that the local health system generated in the previous fiscal year and that the network proposes to spend on patient care in subsequent fiscal years in accordance with the accountability agreement. 2006, c. 4, s. 17 (2).

#### **Accountability of networks**

**18.** (1) The Minister and each local health integration network shall enter into an accountability agreement in respect of the local health system. 2006, c. 4, s. 18 (1).

#### **Accountability agreement**

- (2) An accountability agreement shall be for more than one fiscal year and shall include,
  - (a) performance goals and objectives for the network and the local health system;
  - (b) performance standards, targets and measures for the network and the local health system;
  - (c) requirements for the network to report on the performance of the network and the local health system;
  - (d) a plan for spending the funding that the network receives under section 17, which spending shall be in accordance with the appropriation from which the Minister has provided the funding to the network;
  - (e) a progressive performance management process for the network; and
  - (f) all other prescribed matters, if any. 2006, c. 4, s. 18 (2).

#### **If no agreement**

(3) If the Minister and a local health integration network are unable to conclude an accountability agreement through negotiations, the Minister may set the terms of the agreement which shall include the matters set out in clauses (2) (a) to (f). 2006, c. 4, s. 18 (3).

#### **Reports to Minister**

(4) A local health integration network shall provide to the Minister, within the time and in the form that the Minister specifies, the plans, reports, financial statements, including audited financial statements, and information, other than personal health information as defined in subsection 31 (5) of the *Commitment to the Future of Medicare Act, 2004*, that the Minister requires for the purposes of administering this Act. 2006, c. 4, s. 18 (4).

#### **Availability to the public**

(5) The Minister and each local health integration network shall make copies of the accountability agreement of the network available to the public at the offices of the Ministry and the network, respectively. 2006, c. 4, s. 18 (5).

#### **Funding of health service providers**

**19.** (1) A local health integration network may provide funding to a health service provider in respect of services that the service provider provides in or for the geographic area of the network. 2006, c. 4, s. 19 (1).

#### **Terms and conditions**

(2) The funding that a local health integration network provides under subsection (1) shall be on the terms and conditions that the network considers appropriate and in accordance with the funding that the network receives under section 17, the network's accountability agreement and the prescribed requirements, if any. 2006, c. 4, s. 19 (2).

#### **Assignment of agreements**

(3) The Minister may assign to a local health integration network the Minister's rights and obligations under all or part of an agreement between the Minister and a health service provider, including an agreement to which a person or entity that is not a health service provider is also a party. 2006, c. 4, s. 19 (3).

#### **Exception**

(4) Despite subsection (3), the Minister shall not assign to a local health integration network an agreement for the provision of funding for services by a person described in subsection 2 (3) that the Minister has entered into under the authority of paragraph 4 of subsection 6 (1) of the *Ministry of Health and Long-Term Care Act* or subsection 2 (2) of the *Health Insurance Act*. 2006, c. 4, s. 19 (4).

#### **Termination date**

(5) In an assignment under subsection (3), the Minister may provide that the agreement, or the part of it assigned, terminates on the earliest of,

- (a) the date set out in the agreement;
- (b) the date that the network and the health service provider enter into a service accountability agreement; and
- (c) the date, as the Minister specifies, that the network and the health service provider have to enter into a service accountability agreement. 2006, c. 4, s. 19 (5).

#### **Accountability of health service providers**

**20.** (1) A local health integration network and a health service provider that receives funding from the network under subsection 19 (1) shall enter into a service accountability agreement, as defined in Part III of the *Commitment to the Future of Medicare Act, 2004*. 2006, c. 4, s. 20 (1).

**No restriction on patient mobility**

(2) A local health integration network shall not enter into any agreement or other arrangement that restricts or prevents an individual from receiving services based on the geographic area in which the individual resides. 2006, c. 4, s. 20 (2).

**Community care access corporations**

(3) Subsection (2) does not apply to any agreement between a local health integration network and a community care access corporation that requires the latter corporation to deliver services in the area in which it is approved to provide services. 2006, c. 4, s. 20 (3).

**Audit**

**21.** A local health integration network may, at any time, direct that a health service provider that receives funding from the network under subsection 19 (1) engage or permit one or more auditors licensed under the *Public Accounting Act, 2004* to audit the accounts and financial transactions of the service provider. 2006, c. 4, s. 21.

**Information and reports**

**22.** (1) A local health integration network may require that any health service provider to which the network provides funding or proposes to provide funding under subsection 19 (1) provide to the network the plans, reports, financial statements and other information, other than personal health information as defined in subsection 31 (5) of the *Commitment to the Future of Medicare Act, 2004*, that the network requires for the purposes of exercising its powers and duties under this Act or for the purposes that are prescribed. 2006, c. 4, s. 22 (1).

**Same, other persons**

(2) A local health integration network may require that a prescribed person or entity provide to the network the prescribed plans, reports and other information, other than personal health information as defined in subsection 31 (5) of the *Commitment to the Future of Medicare Act, 2004*, that the network requires for the purposes of exercising its powers and duties under this Act or Part III of the latter Act or for the purposes that are prescribed. 2006, c. 4, s. 22 (2).

**Form of reports**

(3) A person or entity that is required to provide plans, reports, financial statements or information under subsection (1) or (2) shall provide them within the time and in the form that the local health integration network specifies. 2006, c. 4, s. 22 (3).

**Disclosure of information**

(4) A local health integration network may disclose information that it collects under this section,

- (a) to the Minister or another local health integration network if the Minister or that network, as the case may be, requires the information for the purposes of exercising powers and duties under this Act or Part III of the *Commitment to the Future of Medicare Act, 2004*; or
- (b) to the Ontario Health Quality Council if the Council requests the information for the purposes of exercising its powers and duties under the *Excellent Care for All Act, 2010*. 2006, c. 4, s. 22 (4); 2010, c. 14, s. 19.

## **PART V INTEGRATION AND DEVOLUTION**

**Definition**

**23.** In this Part,

“service” includes,

- (a) a service or program that is provided directly to people,
- (b) a service or program, other than a service or program described in clause (a), that supports a service or program described in that clause, or
- (c) a function that supports the operations of a person or entity that provides a service or program described in clause (a) or (b). 2006, c. 4, s. 23.

**Identifying integration opportunities**

**24.** Each local health integration network and each health service provider shall separately and in conjunction with each other identify opportunities to integrate the services of the local health system to provide appropriate, co-ordinated, effective and efficient services. 2006, c. 4, s. 24.

**Integration by networks**

**25.** (1) A local health integration network may integrate the local health system by,

- (a) providing or changing funding to a health service provider under subsection 19 (1);
- (b) facilitating and negotiating the integration of persons or entities where at least one of the persons or entities is a health service provider or the integration of services between health service providers or between a health service provider and a person or entity that is not a health service provider;
- (c) issuing a decision under section 26 that requires a health service provider to proceed with the integration described in the decision; or
- (d) issuing a decision under section 27 that orders a health service provider not to proceed with the integration described in the decision. 2006, c. 4, s. 25 (1).

#### **Integration decision**

- (2) A local health integration network shall issue an integration decision when the network,
  - (a) facilitates or negotiates the integration of persons or entities where at least one of the persons or entities is a health service provider or the integration of services between health service providers or between a health service provider and a person or entity that is not a health service provider and the parties reach an agreement with respect to that integration;
  - (b) requires a health service provider to proceed with an integration under section 26; or
  - (c) orders a health service provider not to proceed with an integration under section 27. 2006, c. 4, s. 25 (2).

#### **Prohibition**

(3) No integration decision shall permit a transfer of services that results in a requirement for an individual to pay for those services, except as otherwise permitted by law. 2006, c. 4, s. 25 (3).

#### **Parties to decision**

- (4) The following persons and entities are parties to an integration decision issued by a local health integration network:
  1. If the decision is issued under clause (2) (a), the parties to the agreement that the network facilitates or negotiates under that clause.
  2. If the decision is issued under clause (2) (b) or (c), the health service provider to which the decision is issued. 2006, c. 4, s. 25 (4).

#### **Form of decision**

- (5) An integration decision issued by a local health integration network shall set out,
  - (a) the purpose and nature of the integration, except in the case of a decision issued under section 27;
  - (b) the parties to the decision;
  - (c) the actions that the parties to the decision are required to take or not to take, including any time period for doing so;
  - (d) a requirement that the parties to the decision develop a human resources adjustment plan in respect of the integration;
  - (e) the effective date of all transfers of services involved in the integration, if any; and
  - (f) any other matter that the network considers relevant. 2006, c. 4, s. 25 (5).

#### **Notice of decision**

(6) On issuing an integration decision, a local health integration network shall give the decision to the parties to the decision and make copies of it available to the public at its offices. 2006, c. 4, s. 25 (6).

#### **Non-application of other Act**

(7) The *Statutory Powers Procedure Act* does not apply to an integration decision. 2006, c. 4, s. 25 (7).

#### **Not a regulation**

(8) An integration decision is not a regulation as defined in Part III (Regulations) of the *Legislation Act, 2006*. 2006, c. 4, ss. 25 (8), 40 (3).

#### **Amendment**

(9) A local health integration network that issues an integration decision under clause (2) (a) or (b) may amend the decision; subsections (3) to (8) apply to the amendment with necessary modifications and, in the case of an integration decision under clause (2) (b), section 26 also applies to the amendment. 2006, c. 4, s. 25 (9).

#### **Revocation**

(10) A local health integration network that makes an integration decision may revoke the decision and subsections (4), (6), (7) and (8) apply to the decision that does the revocation. 2006, c. 4, s. 25 (10).

**Required integration**

**26.** (1) Subject to subsections (2) to (6), a local health integration network that has made copies of an integrated health service plan available to the public may, if it considers it in the public interest to do so, make a decision that requires one or more health service providers to which it provides funding under subsection 19 (1) to do any one or more of the following on or after a date set out in the decision:

1. To provide all or part of a service or to cease to provide all or part of a service.
2. To provide a service to a certain level, quantity or extent.
3. To transfer all or part of a service from one location to another.
4. To transfer all or part of a service to or to receive all or part of a service from another person or entity.
5. To carry out another type of integration of services that is prescribed.
6. To do anything or refrain from doing anything necessary for the health service providers to achieve anything under any of paragraphs 1 to 5, including to transfer property to or to receive property from another person or entity in respect of the services affected by the decision. 2006, c. 4, s. 26 (1).

**Restrictions**

- (2) A decision made by a local health integration network under this section,
- (a) shall not be contrary to the network's integrated health service plan or accountability agreement;
  - (b) shall not relate to services for which a local health integration network does not provide or propose to provide funding, in whole or in part, to the health service provider;
  - (c) shall not require a health service provider to cease operating or carrying on business or to dissolve or wind up its operations or business;
  - (d) shall not require a health service provider to change the composition or structure of its membership or board of directors;
  - (e) shall not require two or more health service providers to amalgamate;
  - (f) shall not unjustifiably as determined under section 1 of the *Canadian Charter of Rights and Freedoms* require a health service provider that is a religious organization to provide a service that is contrary to the religion related to the organization;
  - (g) shall not require a health service provider to transfer property that it holds for a charitable purpose to a person or entity that is not a charity;
  - (h) shall not require a health service provider that is not a charity to receive property from a person or entity that is a charity and to hold the property for a charitable purpose; and
  - (i) shall not require a health service provider to do anything that is prescribed in addition to the restrictions set out in clauses (a) to (h). 2006, c. 4, s. 26 (2).

**Notice of proposed decision**

- (3) At least 30 days before issuing a decision under subsection (1), a local health integration network shall,
- (a) notify a health service provider that the network proposes to issue a decision under that subsection;
  - (b) provide a copy of the proposed decision to the service provider; and
  - (c) make copies of the proposed decision available to the public. 2006, c. 4, s. 26 (3).

**Submissions**

(4) Any person may make written submissions about the proposed decision to the local health integration network no later than 30 days after the network makes copies of the proposed decision available to the public. 2006, c. 4, s. 26 (4).

**Issuing a decision**

(5) If at least 30 days have passed since the local health integration network gave the notice mentioned in subsection (3) and after the network has considered any written submissions made under subsection (4), the network may issue an integration decision under subsection (1), and subsections (3) and (4) do not apply to the issuance of the decision. 2006, c. 4, s. 26 (5).

**Variance**

(6) An integration decision mentioned in subsection (5) may be different from the proposed decision that was the subject of the notice mentioned in subsection (3). 2006, c. 4, s. 26 (6).

#### **Integration by health service providers**

27. (1) A health service provider may integrate its services with those of another person or entity. 2006, c. 4, s. 27 (1).

#### **Application of other Act**

(2) Nothing in this Act shall be interpreted as preventing the application of the *Public Sector Labour Relations Transition Act, 1997*, in accordance with the terms of that Act, to an integration mentioned in subsection (1). 2006, c. 4, s. 27 (2).

#### **Notice to network**

(3) If the integration mentioned in subsection (1) relates to services that are funded, in whole or in part, by a local health integration network, the health service provider,

- (a) shall give notice of the integration to the network, unless the regulations made under this Act prescribe otherwise;
- (b) may proceed with the integration if the service provider is not required to give the notice mentioned in clause (a);
- (c) shall not proceed with the integration until 60 days have passed since giving the notice mentioned in clause (a), if the service provider is required to give the notice and the network does not give notice under subsection (4);
- (d) shall not proceed with the integration until 60 days have passed since the network gives notice under subsection (4), if,
  - (i) the service provider is required to give notice under clause (a),
  - (ii) the network gives notice under that subsection, and
  - (iii) the network does not issue a decision under subsection (6); and
- (e) shall not proceed with the integration that is the subject of a decision under subsection (6), if the network issues such a decision. 2006, c. 4, s. 27 (3).

#### **Notice of proposed decision**

(4) No later than 60 days after the health service provider gives the notice required under subsection (3), the local health integration network may,

- (a) notify a health service provider that the network proposes to issue a decision under subsection (6);
- (b) provide a copy of the proposed decision to the service provider; and
- (c) make copies of the proposed decision available to the public. 2006, c. 4, s. 27 (4).

#### **Submissions**

(5) Any person may make written submissions about the proposed decision to the local health integration network no later than 30 days after the network makes copies of the proposed decision available to the public. 2006, c. 4, s. 27 (5).

#### **Issuing a decision**

(6) If more than 30 days, but no more than 60 days, have passed after the local health integration network gives notice under subsection (4) and after the network has considered any written submissions made under subsection (5), the network may, if it considers it in the public interest to do so, issue a decision ordering the health service provider not to proceed with the integration mentioned in the notice under clause (3) (a) or a part of the integration. 2006, c. 4, s. 27 (6).

#### **Matters to consider**

(7) In issuing a decision under subsection (6), a local health integration network shall consider the extent to which the integration is not consistent with the network's integrated health service plan and any other matter that the network considers relevant. 2006, c. 4, s. 27 (7).

#### **Variance**

(8) An integration decision mentioned in subsection (6) may be different from the proposed decision that was the subject of the notice given under subsection (4). 2006, c. 4, s. 27 (8).

#### **Integration by the Minister**

28. (1) After receiving advice from the local health integration networks involved, the Minister may, if the Minister considers it in the public interest to do so and subject to subsection (2), order a health service provider that receives funding from a local health integration network under subsection 19 (1) and that carries on its operations on a for profit or not for profit basis to do any of the following on or after the date set out in the order:

1. To cease operating, to dissolve or to wind up its operations.
2. To amalgamate with one or more health service providers that receive funding from a local health integration network under subsection 19 (1).
3. To transfer all or substantially all of its operations to one or more persons or entities.



4. To do anything or refrain from doing anything necessary for the health service provider to achieve anything under any of paragraphs 1 to 3, including to transfer property to or to receive property from another person or entity in respect of the operations affected by the order. 2006, c. 4, s. 28 (1).

#### **Religious denomination**

(2) An order made by the Minister under subsection (1) shall not unjustifiably as determined under section 1 of the *Canadian Charter of Rights and Freedoms* require a health service provider that is a religious organization to provide a service that is contrary to the religion related to the organization. 2006, c. 4, s. 28 (2).

#### **Restrictions**

- (3) Despite subsection (1), the Minister shall not,
  - (a) issue an order under that subsection to a board of management described in paragraph 5 of the definition of “health service provider” in subsection 2 (2) or a municipality;
  - (b) issue an order under that subsection to a health service provider described in paragraph 4 of the definition of “health service provider” in subsection 2 (2), if the service provider is not also described in another paragraph of that definition;
  - (c) issue an order under paragraph 1 of that subsection, in respect of the operation of a long-term care home, to a health service provider described in paragraph 4 of the definition of “health service provider” in subsection 2 (2), if the service provider is also described in another paragraph of that definition;
  - (d) issue an order under paragraph 2 of that subsection to a health service provider that carries on operations on a not for profit basis to amalgamate with one or more health service providers that carries on operations on a for profit basis; or
  - (e) issue an order under paragraph 3 of that subsection to a health service provider that carries on operations on a not for profit basis to transfer all or substantially all of its operations to one or more persons or entities that carries on operations on a for profit basis. 2006, c. 4, s. 28 (3); 2007, c. 8, s. 214 (3, 4).

#### **Application of other subsections**

(4) Subsections 25 (3) to (10), clauses 26 (2) (g) and (h) and subsections 26 (3) to (6) apply to an order made by the Minister under subsection (1) as if it were an integration decision and all references to a local health integration network in those subsections shall be read as references to the Minister. 2006, c. 4, s. 28 (4).

#### **Compliance**

**29.** (1) A person or entity that is a party to an integration decision or a Minister’s order made under section 28 shall comply with it. 2006, c. 4, s. 29 (1).

#### **Corporate powers**

(2) Despite any Act, regulation or other instrument related to the corporate governance of a health service provider that is a corporation and that is a party to an integration decision or a Minister’s order made under section 28, including the *Business Corporations Act*, the *Corporations Act*, any articles of incorporation, any letters patent, any supplementary letters patent or any by-laws, the service provider shall be deemed to have the necessary powers to comply with the decision or the order, as the case may be. 2006, c. 4, s. 29 (2).

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is amended by striking out “the *Corporations Act*” and substituting “the *Not-for-Profit Corporations Act*, 2010 or a predecessor of that Act”. See: 2010, c. 15, ss. 231 (3), 249.

#### **Court order**

(3) A local health integration network that has issued an integration decision or the Minister after making an order under section 28 may apply to the Superior Court of Justice for an order directing a person or entity that is a party to the decision or the Minister’s order, as the case may be, to comply with it. 2006, c. 4, s. 29 (3).

#### **Transfer of property held for charitable purpose**

**30.** (1) If an integration decision or a Minister’s order made under section 28 directs a health service provider to transfer to a transferee property that it holds for a charitable purpose, all gifts, trusts, bequests, devises and grants of property that form part of the property being transferred shall be deemed to be gifts, trusts, bequests, devises and grants of property to the transferee. 2006, c. 4, s. 30 (1).

#### **Specified purpose**

(2) If a will, deed or other document by which a gift, trust, bequest, devise or grant mentioned in subsection (1) is made indicates that the property being transferred is to be used for a specified purpose, the transferee shall use it for the specified purpose. 2006, c. 4, s. 30 (2).

#### **Application**

(3) Subsections (1) and (2) apply whether the will, deed or document by which the gift, trust, bequest, devise or grant is made, is made before or after this section comes into force. 2006, c. 4, s. 30 (3).

#### **No compensation**

**31.** (1) Despite any other Act and subject to subsection (3), a health service provider is not entitled to any compensation for any loss or damages, including loss of revenue or loss of profit, arising from any direct or indirect action that the Minister or a local health integration network takes under this Act, including an integration decision or a Minister's order made under section 28. 2006, c. 4, s. 31 (1).

#### **Same, transfer of property**

(2) Despite any other Act and subject to subsection (3), no person or entity, including a health service provider, is entitled to compensation for any loss or damages, including loss of use, loss of revenue and loss of profit, arising from the transfer of property under an integration decision or a Minister's order made under section 28. 2006, c. 4, s. 31 (2).

#### **Exception**

(3) If an integration decision or a Minister's order made under section 28 directs a health service provider to transfer property to or to receive property from a person or entity, a person who suffers a loss resulting from the transfer is entitled to compensation as prescribed in respect of the portion of the loss that relates to the portion of the value of the property that was not acquired with money received from the Government of Ontario or an agency of the Government, whether or not it is a Crown agent. 2006, c. 4, s. 31 (3).

#### **No expropriation**

(4) Nothing in this Act and nothing done or not done in accordance with this Act constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law. 2006, c. 4, s. 31 (4).

#### **Transfers, application of other Act**

**32.** (1) The *Public Sector Labour Relations Transition Act, 1997* applies when an integration occurs that is,

- (a) the transfer of all or part of a service of a person or entity under an integration decision;
- (b) the transfer of all or substantially all of the operations of a health service provider under a Minister's order made under section 28; or
- (c) the amalgamation of two or more persons or entities under an integration decision issued with respect to an integration described in clause 25 (2) (a) or under a Minister's order made under section 28. 2006, c. 4, s. 32 (1).

#### **Same**

(2) For the purposes of the application of the *Public Sector Labour Relations Transition Act, 1997*,

- (a) the changeover date is the effective date of the integration described in subsection (1) as set out in the integration decision or the Minister's order, as the case may be;
- (b) the predecessor employer or employers are,
  - (i) each person or entity from which the service or operations is or are transferred, in the case of an integration described in clause (1) (a) or (b), or
  - (ii) each of the persons or entities that is amalgamated, in the case of an integration described in clause (1) (c); and
- (c) the successor employer or employers are,
  - (i) each person or entity to which the service or operations is or are transferred, in the case of an integration described in clause (1) (a) or (b), or
  - (ii) the person or entity that exists when the amalgamation takes effect, in the case of an integration described in clause (1) (c). 2006, c. 4, s. 32 (2).

#### **Exception**

(3) Despite subsection (1) but subject to subsection (5), the *Public Sector Labour Relations Transition Act, 1997* does not apply when an integration described in subsection (1) occurs if the following describes the person or entity who would be the successor employer if that Act applied:

1. That person or entity is not a health service provider.
2. The primary function of that person or entity is not the provision of services within or to the health services sector. 2006, c. 4, s. 32 (3).

#### **Same, consent of all parties**

(4) Despite subsection (1) but subject to subsection (5), the *Public Sector Labour Relations Transition Act, 1997* does not apply when an integration described in subsection (1) occurs if all of the following agree in writing that that Act does not apply to the integration:

1. The person or entity who would be the successor employer if that Act applied.

2. Every bargaining agent that has bargaining rights in respect of a bargaining unit at the person or entity who would be the successor employer if that Act applied.
3. Every bargaining agent that would have bargaining rights in respect of a bargaining unit at the person or entity who would be the successor employer if that Act applied. 2006, c. 4, s. 32 (4).

**Certain provisions still apply**

(5) Where the *Public Sector Labour Relations Transition Act, 1997* does not apply to an integration described in subsection (1) by virtue of subsection (3) or an agreement entered into under subsection (4), sections 12 and 36 of that Act are not affected and, if applicable, apply to the integration in question. 2006, c. 4, s. 32 (5).

**Definition**

(6) In subsections (7) to (21),

“Board” means the Ontario Labour Relations Board. 2006, c. 4, s. 32 (6).

**Application**

(7) Any person, entity or bargaining agent described in paragraph 1, 2 or 3 of subsection (4) may request the Board to make an order declaring that the *Public Sector Labour Relations Transition Act, 1997* does not apply to an integration described in subsection (1). 2006, c. 4, s. 32 (7).

**Board order**

(8) If requested to do so under subsection (7), the Board may by order declare that the *Public Sector Labour Relations Transition Act, 1997*, other than sections 12 and 36 of that Act, does not, despite subsection (1), apply to the integration in question. 2006, c. 4, s. 32 (8).

**Factors to consider**

(9) When deciding whether to make an order under subsection (8), the Board shall consider the factors set out in subsection 9 (3) of the *Public Sector Labour Relations Transition Act, 1997* and the other matters that it considers relevant. 2006, c. 4, s. 32 (9).

**Certain provisions still apply**

(10) If the Board makes an order under subsection (8), the order shall specify that it does not affect sections 12 and 36 of the *Public Sector Labour Relations Transition Act, 1997* and that, if applicable, those provisions apply to the integration. 2006, c. 4, s. 32 (10).

**Proceedings before the Board**

(11) Subject to subsections (12) to (19), sections 110 to 118 of the *Labour Relations Act, 1995* apply, with necessary modifications, with respect to anything the Board does under this section. 2006, c. 4, s. 32 (11).

**No panels**

(12) If the Board is given authority to make a decision, determination or order under this section, it shall be made,

- (a) by the chair or, if the chair is absent or unable to act, by the alternate chair; or
- (b) by a vice-chair selected by the chair in his or her sole discretion or, if the chair is absent or unable to act, selected by the alternate chair in his or her sole discretion. 2006, c. 4, s. 32 (12).

**Labour relations officers**

(13) The Board may authorize a labour relations officer to inquire into any matter that comes before it under this section and to endeavour to settle the matter. 2006, c. 4, s. 32 (13).

**Rules to expedite proceedings**

(14) The Board has, in relation to any proceedings under this section, the same powers to make rules to expedite proceedings as the Board has under subsection 110 (18) of the *Labour Relations Act, 1995*. 2006, c. 4, s. 32 (14).

**Non-application of other Act**

(15) Rules made under subsection (14) apply despite anything in the *Statutory Powers Procedure Act*. 2006, c. 4, s. 32 (15).

**Not regulations**

(16) Rules made under subsection (14) are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2006, c. 4, ss. 32 (16), 40 (3).

**Interim orders**

(17) The Board may make interim orders with respect to a matter that is or will be the subject of a pending or intended proceeding. 2006, c. 4, s. 32 (17).

#### Timing

(18) The Board shall make decisions, determinations and orders under this Act in an expeditious fashion. 2006, c. 4, s. 32 (18).

#### No appeal

(19) A decision, determination or order made by the Board is final and binding for all purposes. 2006, c. 4, s. 32 (19).

#### Application of other provisions

(20) Subsections 96 (6) and (7) and sections 122 and 123 of the *Labour Relations Act, 1995* apply, with necessary modifications, with respect to proceedings before the Board and its decisions, determinations and orders under this section. 2006, c. 4, s. 32 (20).

#### Non-application of *Arbitration Act, 1991*

(21) The *Arbitration Act, 1991* does not apply with respect to a proceeding before the Board under this section. 2006, c. 4, s. 32 (1).

#### Integration by regulation

**33.** (1) The Lieutenant Governor in Council may, by regulation, order one or more persons or entities that operate a public hospital within the meaning of the *Public Hospitals Act* and the University of Ottawa Heart Institute/Institut de cardiologie de l'Université d'Ottawa to cease performing any prescribed non-clinical service and to integrate the service by transferring it to the prescribed person or entity on the prescribed date. 2006, c. 4, s. 33 (1).

#### Compliance

(2) The persons and entities mentioned in a regulation made under subsection (1) shall comply with the regulation and subsections 29 (2), (3) and (4) and sections 30 and 31 apply with respect to the persons and entities, except that references in those subsections to an integration decision or a Minister's order shall be read as references to the regulation. 2006, c. 4, s. 33 (2).

#### Human resources adjustment plan

(3) A person or entity that is required to cease performing a service described in a regulation made under subsection (1) shall develop a human resources adjustment plan in respect of the integration of the service. 2006, c. 4, s. 33 (3).

#### Application of other Act

(4) Unless otherwise prescribed, the *Public Sector Labour Relations Transition Act, 1997* applies when the integration of services ordered by a regulation made under subsection (1) occurs and for the purposes of that Act,

- (a) the changeover date is the effective date of the integration or whatever other date the regulation prescribes;
- (b) the predecessor employer or employers are each person or entity prescribed in the regulation from which the services are transferred; and
- (c) the successor employer or employers are each person or entity prescribed in the regulation to which the services are transferred. 2006, c. 4, s. 33 (4).

#### Same

(5) Even if a regulation made under this Act prescribes that the *Public Sector Labour Relations Transition Act, 1997* does not apply to the integration, sections 12 and 36 of that Act apply to the integration, if applicable. 2006, c. 4, s. 33 (5).

#### Restriction

(6) The Lieutenant Governor in Council shall not make a regulation under subsection (1) on or after April 1, 2007. 2006, c. 4, s. 33 (6).

#### Revocation of regulations

(7) The Lieutenant Governor in Council may, by regulation, revoke a regulation made under subsection (1) and section 38 does not apply to a regulation made under this subsection. 2006, c. 4, s. 33 (7).

#### Repeal

**(8) This section is repealed on a day to be named by proclamation of the Lieutenant Governor. 2006, c. 4, s. 33 (8).**

#### Devolution

**34.** (1) Despite any other Act, and except as provided in subsection (2), the Lieutenant Governor in Council may, by regulation, devolve to a local health integration network any of the powers, duties or functions, under any other Act for whose administration the Minister is responsible at the time of making the regulation, of the Minister or a person appointed by the Minister or the Lieutenant Governor in Council. 2006, c. 4, s. 34 (1).

#### Exceptions

(2) A regulation made under subsection (1) shall not devolve to a local health integration network,

- (a) a power to make regulations under any other Act for whose administration the Minister is responsible; or
- (b) a power, duty or function that applies to a person described in subsection 2 (3) and that exists under the *Health Insurance Act*, Part II of the *Commitment to the Future of Medicare Act, 2004* or paragraph 4 of subsection 6 (1) of the *Ministry of Health and Long-Term Care Act, 2006*, c. 4, s. 34 (2).

#### List of Acts

(3) The Minister shall publish on the Ministry's website on the Internet a list of the Acts for whose administration the Minister is responsible and shall maintain the list current. 2006, c. 4, s. 34 (3).

#### Conditions on devolution

(4) A regulation under subsection (1) may devolve all or part of a power, duty or function to a local health integration network and may set out conditions on the exercise by a local health integration network of the power, duty or function and the modifications with which the power, duty or function is to apply. 2006, c. 4, s. 34 (4).

#### Effect of devolution

(5) If a regulation under subsection (1) devolves a power, duty or function under an Act to a local health integration network,

- (a) the person or entity on which the Act confers the power, duty or function,
  - (i) shall no longer perform the power, duty or function to the extent that the regulation devolves it to the network, and
  - (ii) is released from any liability with respect to the power, duty or function to the extent that the regulation devolves it to the network if the liability arises on or after the day on which the regulation comes into force;
- (b) the network,
  - (i) has the authority to exercise the power, duty or function to the extent that the regulation devolves it if it does so in accordance with the Act, and
  - (ii) has the rights and immunities of the person or entity on which the Act confers the power, duty or function to the extent that the regulation devolves it to the network, as if the network were that person or entity under that Act; and
- (c) the powers, duties or functions of any other person in respect of the devolved power, duty or function shall be read as if the Act provided that the network had the power, duty or function. 2006, c. 4, s. 34 (5).

## PART VI GENERAL

#### No liability

**35.** No proceeding for damages or otherwise, other than an application for judicial review under the *Judicial Review Procedure Act* or a claim for compensation that is permitted under subsection 31 (3), shall be commenced against the Crown, the Minister, a local health integration network, any member, director or officer of a local health integration network or any person employed by the Crown, the Minister or a local health integration network with respect to any act done or omitted to be done or any decision or order under this Act that is done in good faith in the execution or intended execution of a power or duty under this Act. 2006, c. 4, s. 35.

#### Information for public

**36.** The Minister and each local health integration network shall establish and maintain websites on the Internet and shall publish on their respective websites the documents that the Minister or the network, as the case may be, is required to make available to the public under this Act. 2006, c. 4, s. 36.

#### Regulations

- 37.** (1) The Lieutenant Governor in Council may make regulations,
- (a) governing anything described in this Act as being prescribed;
  - (b) specifying persons, entities or classes of persons or entities that are excluded from the definition of "health service provider" in section 2;
  - (c) exempting a health service provider, a local health integration network or a class of health service providers or local health integration networks from any provision of this Act or the regulations made under it and specifying circumstances in which the exemption applies;
  - (d) prescribing provisions of the *Corporations Act* that apply to a local health integration network and the modifications with which those provisions are to so apply;

**Note:** On a day to be named by proclamation of the Lieutenant Governor, clause (d) is amended by striking out "the *Corporations Act*" and substituting "the *Not-for-Profit Corporations Act, 2010*". See: 2010, c. 15, ss. 231 (4), 249.

- (e) specifying a person or any class of persons who may not be appointed as members of a local health integration network;
- (f) respecting community engagement under section 16, including how and with whom a local health integration network or a health service provider shall engage the community, the matters about which a local health integration network or a health service provider shall engage the community and the frequency of the engagement;
- (g) respecting the health professionals advisory committee established under subsection 16 (5), including requirements for the membership on the committee and its functions;
- (h) governing funding that a local health integration network provides to health service providers under subsection 19 (1);
- (i) requiring a health service provider to institute a system for reconciling the funding that it receives from a local health integration network on the basis set out in the regulation, including,
  - (i) requiring the service provider to pay the network for any excess payment of funding, and
  - (ii) allowing the network to recover any excess payment of funding by deducting the excess from subsequent payments to the service provider;
- (j) respecting matters that relate to or arise as a result of a transfer of property under an integration decision or a Minister's order made under section 28, including matters related to present and future rights, privileges and liabilities;
- (k) governing compensation payable under subsection 31 (3), including who pays the compensation, the amount payable, how the loss for which compensation is payable is to be determined and how the portion of the value of the property that was not acquired with money from the Government of Ontario or an agency of the Government is to be determined;
- (l) defining, for the purposes of this Act, any word or expression used in this Act that has not already been expressly defined in this Act. 2006, c. 4, s. 37 (1).

#### **Same, Minister**

- (2) The Minister may make regulations,
  - (a) specifying additional objects of a local health integration network;
  - (b) respecting any matter that can be dealt with by a regulation mentioned in subsection 8 (5). 2006, c. 4, s. 37 (2).

#### **Scope**

(3) A regulation made under this Act may be general or specific in its application, may create different classes and may make different provisions for different classes or circumstances. 2006, c. 4, s. 37 (3).

#### **Classes**

(4) A class described in the regulations made under this Act may be described according to any characteristic or combination of characteristics and may be described to include or exclude any specified member, whether or not with the same characteristics. 2006, c. 4, s. 37 (4).

#### **Public consultation before making regulations**

**38.** (1) Subject to subsection (8), the Lieutenant Governor in Council or the Minister shall not make any regulation under this Act unless,

- (a) the Minister has published a notice of the proposed regulation in *The Ontario Gazette* and given notice of the proposed regulation by all other means that the Minister considers appropriate for the purpose of providing notice to the persons and entities who may be affected by the proposed regulation;
- (b) the notice complies with the requirements of this section;
- (c) the time periods specified in the notice, during which persons may make comments under subsection (2) have expired;
- (d) the Minister has considered whatever comments that persons have made on the proposed regulation in accordance with subsection (2) or an accurate synopsis of the comments; and
- (e) if the Lieutenant Governor in Council may make the regulation, the Minister has reported to the Lieutenant Governor in Council on what, if any, changes to the proposed regulation the Minister considers appropriate. 2006, c. 4, s. 38 (1); 2007, c. 10, Sched. J, s. 3.

#### **Contents of notice**

- (2) The notice mentioned in clause (1) (a) shall contain,
  - (a) a description of the proposed regulation and the text of it;
  - (b) a statement of the time period during which any person may submit written comments on the proposed regulation to the Minister and the manner in which and the address to which the comments must be submitted;
  - (c) a statement of where and when any person may review written information, if any, about the proposed regulation; and

(d) all other information that the Minister considers appropriate. 2006, c. 4, s. 38 (2).

**Time period for comments**

(3) The time period mentioned in clause (2) (b) shall be at least 60 days after the Minister gives the notice mentioned in clause (1) (a) unless the Minister shortens the time period in accordance with subsection (4). 2006, c. 4, s. 38 (3).

**Shorter time period for comments**

(4) The Minister may shorten the time period if, in the Minister's opinion,

- (a) the urgency of the situation requires it;
- (b) the proposed regulation clarifies the intent or operation of this Act or the regulations made under it; or
- (c) the proposed regulation is of a minor or technical nature. 2006, c. 4, s. 38 (4).

**Discretion to make regulations**

(5) Upon receiving the Minister's report mentioned in clause (1) (e), the Lieutenant Governor in Council, without further notice under subsection (1), may make the proposed regulation with the changes that the Lieutenant Governor in Council considers appropriate, whether or not those changes are mentioned in the Minister's report. 2006, c. 4, s. 38 (5).

**Same, Minister's regulations**

(6) If the Minister may make the proposed regulation and the conditions set out in subsection (1) have been met, the Minister, without further notice under that subsection, may make the proposed regulation with the changes that the Minister considers appropriate. 2006, c. 4, s. 38 (6).

**No public consultation**

(7) The Minister may decide that subsections (1), (2), (3), (4), (5) and (6) should not apply to the power to make a regulation under this Act if, in the Minister's opinion,

- (a) the urgency of the situation requires it;
- (b) the proposed regulation clarifies the intent or operation of this Act or the regulations made under it; or
- (c) the proposed regulation is of a minor or technical nature. 2006, c. 4, s. 38 (7).

**Notice**

(8) If the Minister decides that subsections (1), (2), (3), (4), (5) and (6) should not apply to the power to make a regulation under this Act,

- (a) those subsections do not apply to the power to make the regulation; and
- (b) the Minister shall give notice of the decision to the public as soon as is reasonably possible after making the decision. 2006, c. 4, s. 38 (8).

**Contents of notice**

(9) The notice mentioned in clause (8) (b) shall include a statement of the Minister's reasons for making the decision and all other information that the Minister considers appropriate. 2006, c. 4, s. 38 (9).

**Publication of notice**

(10) The Minister shall publish the notice mentioned in clause (8) (b) in *The Ontario Gazette* and give the notice by all other means that the Minister considers appropriate. 2006, c. 4, s. 38 (10).

**No review**

(11) Subject to subsection (12), no court shall review any action, decision, failure to take action or failure to make a decision by the Lieutenant Governor in Council or the Minister under this section. 2006, c. 4, s. 38 (11).

**Exception**

(12) Any person resident in Ontario may make an application for judicial review under the *Judicial Review Procedure Act* on the grounds that the Minister has not taken a step required by this section. 2006, c. 4, s. 38 (12).

**Time for application**

(13) No person shall make an application under subsection (12) with respect to a regulation later than 21 days after the day on which the Minister publishes a notice with respect to the regulation under clause (1) (a) or subsection (10), if applicable. 2006, c. 4, s. 38 (13).

**Review of Act and regulations**

**39.** (1) A committee of the Legislative Assembly shall,

- (a) begin a comprehensive review of this Act and the regulations made under it no later than two years from the date when no exemption under the regulations applies to the requirement under subsection 20 (1) for local health integration networks to enter into service accountability agreements with health service providers that are approved corporations within the meaning of the *Charitable Institutions Act*, municipalities or boards of management maintaining homes for the aged or joint homes for the aged under the *Homes for the Aged and Rest Homes Act* or licensees within the meaning of the *Nursing Homes Act*; and
- (b) within one year after beginning that review, make recommendations to the Assembly concerning amendments to this Act and the regulations made under it. 2006, c. 4, s. 39 (1); 2010, c. 1, Sched. 15, s. 1.

**Definition**

- (2) In this section,

“year” means a period of 365 consecutive days or, if the period includes February 29, 366 consecutive days. 2006, c. 4, s. 39 (2).

40. OMITTED (PROVIDES FOR AMENDMENTS TO THIS ACT). 2006, c. 4, s. 40.

41.-54. OMITTED (AMENDS OR REPEALS OTHER ACTS). 2006, c. 4, ss. 41-54.

55. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2006, c. 4, s. 55.

56. OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2006, c. 4, s. 56.

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